

HOUSE BILL NO. 456

INTRODUCED BY G. GUTSCHE, BISHOP, BOHLINGER, FRANKLIN, LENHART, NELSON, A. PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ELIGIBILITY FOR MEDICAID FOR INDIVIDUALS WHO HAVE PARTICIPATED IN THE MONTANA BREAST AND CERVICAL HEALTH PROGRAM AND WHO REQUIRE TREATMENT FOR BREAST OR CERVICAL CANCER, OR BOTH; PROVIDING AN APPROPRIATION FROM THE GENERAL FUND AND ~~REQUIRING~~ REQUESTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ~~INCLUDE~~ CONSIDER THE INCLUSION OF FUNDING FOR THE 2005 BIENNIUM EXECUTIVE BUDGET REQUEST FROM THE INCOME ON THE TOBACCO SETTLEMENT TRUST FUND; AMENDING SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance under the Montana medicaid program may be granted to a person who is determined by the department of public health and human services, in its discretion, to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or resources in excess of the applicable medical assistance limits or receive from FAIM financial assistance, as defined in 53-4-702, benefits under Title IV of the federal Social Security Act, 42 U.S.C. 601, et seq.

(b) The person would be eligible for assistance under a program described in subsection (1)(a) if that person were to apply for that assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

(d) The person is under 19 years of age and meets the conditions of eligibility in the state plan, as defined in 53-4-201, other than with respect to age and school attendance.

(e) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the supervision of the state and has been adopted as a child with special needs.

(f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)

1 and:

2 (i) the person's income does not exceed the income level specified for federally aided categories
3 of assistance and the person's resources are within the resource standards of the federal supplemental
4 security income program; or

5 (ii) the person, while having income greater than the medically needy income level specified for
6 federally aided categories of assistance:

7 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
8 medically needy income level specified for federally aided categories of assistance or, alternatively, has
9 paid in cash to the department the amount by which the person's income exceeds the medically needy
10 income level specified for federally aided categories of assistance; and

11 (B) has resources that are within the resource standards of the federal supplemental security
12 income program.

13 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

14 (2) The department may establish income and resource limitations. Limitations of income and
15 resources must be within the amounts permitted by federal law for the medicaid program.

16 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
17 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
18 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
19 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
20 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

21 (a) has income that does not exceed income standards as may be required by the Social Security
22 Act; and

23 (b) has resources that do not exceed standards that the department determines reasonable for
24 purposes of the program.

25 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance,
26 and similar costs for health insurance or other available health coverage, as provided in 42 U.S.C.
27 1396b(a)(1).

28 (5) In accordance with waivers of federal law that are granted by the secretary of the U.S.
29 department of health and human services, the department of public health and human services may grant
30 eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving FAIM financial

1 assistance, as defined in 53-4-702, as the specified caretaker relative of a dependent child under the FAIM
2 project and to all adult recipients of medical assistance only who are covered under a group related to the
3 program of FAIM financial assistance. A recipient who is pregnant, meets the criteria for disability provided
4 in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to
5 full medicaid coverage as provided in 53-6-101.

6 (6) The department, under the Montana medicaid program, may provide, if a waiver is not
7 available from the federal government, medicaid and other assistance mandated by Title XIX of the Social
8 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
9 categories of persons that may be designated by the act for receipt of assistance.

10 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
11 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
12 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family
13 resources do not exceed standards that the department determines reasonable for purposes of the
14 program.

15 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
16 corporation that uses donated funds to provide basic preventive and primary health care medical benefits
17 to children whose families are ineligible for the Montana medicaid program and who are ineligible for any
18 other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

19 (9) A person described in subsection (7) must be provided continuous eligibility for medical
20 assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

21 (10) The department may establish resource and income standards of eligibility for mental health
22 services that are more liberal than the resource and income standards of eligibility for physical health
23 services. The standards for eligibility for mental health services may provide for eligibility for households
24 not eligible for medicaid with family income that does not exceed 200% of the federal poverty threshold
25 or that does not exceed a lesser amount determined in the discretion of the department. The department
26 may by rule specify under what circumstances deductions for medical expenses should be used to reduce
27 countable family income in determining eligibility. The department may also adopt rules establishing fees,
28 premiums, or copayments to be charged recipients for services. The fees, premiums, or copayments may
29 vary according to family income.

30 (11) Full medical assistance under the Montana medicaid program may be granted to an individual

during the period in which the individual requires treatment of breast or cervical cancer, or both, or of a precancerous condition of the breast or cervix, if the individual:

(a) has been screened for breast and cervical cancer under the Montana breast and cervical health program funded by the centers for disease control and prevention program established under Title XV of the Public Health Service Act, 42 U.S.C. 300k, or in accordance with federal requirements;

(b) needs treatment for breast or cervical cancer, or both, or a precancerous condition of the breast or cervix;

(c) is not otherwise covered under creditable coverage, as provided by federal law or regulation;

(d) is not eligible for medical assistance under any mandatory categorically needy eligibility group;

and

(e) has not attained 65 years of age."

NEW SECTION. SECTION 2. APPROPRIATION -- FUNDING REQUEST. (1) THERE IS APPROPRIATED- FROM THE INCOME ON THE TOBACCO SETTLEMENT TRUST FUND PROVIDED FOR IN ARTICLE XII, SECTION 4, OF THE MONTANA CONSTITUTION, GENERAL FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES \$129,270 IN FISCAL YEAR 2002 AND \$258,540 IN FISCAL YEAR 2003 FOR THE PURPOSES OF MATCHING WITH FEDERAL MEDICAID MONEY TO TREAT VICTIMS OF BREAST AND CERVICAL CANCER, AS PROVIDED IN [SECTION 1].

(2) THE DEPARTMENT ~~SHALL INCLUDE~~ IS REQUESTED TO CONSIDER FOR INCLUSION IN ITS BUDGET REQUEST TO THE 2003 LEGISLATURE FUNDING FROM THE INCOME ON THE TOBACCO SETTLEMENT TRUST FUND PROVIDED FOR IN ARTICLE XII, SECTION 4, OF THE MONTANA CONSTITUTION AND MATCHING FEDERAL MEDICAID MONEY TO CONTINUE THE PROGRAM TO TREAT VICTIMS OF BREAST AND CERVICAL CANCER, AS PROVIDED IN [SECTION 1], IN THE 2005 BIENNIUM.

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2001.

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